

**UNITED STATES' NOTICE OF WITHDRAWAL OF INTERVENTION AS TO  
CERTAIN DEFENDANTS AND CERTAIN CLAIMS**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision to withdraw its intervention in certain parts of this action. Specifically, the United States withdraws its intervention against any defendants referred to in that part of the caption to relator's Third Amended Complaint that names "all other hospitals . . . managed by [the other defendants] since January 1, 1984." These defendants are hospitals managed by HCA Management Company and its successor, Quorum Health Resources, Inc.

The United States also withdraws its intervention from claims against any defendant based upon two substantive theories of liability alleged in relator's Third Amended Complaint. Specifically, the United States withdraws its intervention from claims based on the allegations contained in paragraphs 90 - 92 of relator's Third Amended Complaint regarding malpractice insurance costs. The United States does not plead any cause of action against any defendant based on claims for reimbursement for malpractice insurance costs. The United States also withdraws its intervention from claims based on the allegations contained in paragraph 95 of relator's Third Amended Complaint regarding settlement data. The United States does not plead any cause of action against any defendant based on claims for reimbursement for which reserves were established for settlement data.

Although the United States withdraws its intervention with respect to these claims and defendants, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to

the dismissal and their reasons for consenting." Id.

Therefore, the United States requests that, should either the relator or the defendants propose that these claims or defendants be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action with respect to these claims or defendants be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts and to intervene in these parts of this action, for good cause, at a later date.

A proposed order accompanies this notice.

Respectfully submitted,

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**ORDER**

The United States having withdrawn its intervention in this action with respect to certain claims and defendants pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2)(A), the Court rules as follows:

IT IS ORDERED that,

1. the parties shall serve all pleadings and motions filed in these parts of this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in these parts of this action, for good cause, at any time;

5. all orders of this Court shall be sent to the United States; and that

6. should the relator or any of the defendants propose that these parts of this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED,

This \_\_\_\_ day of \_\_\_\_\_, 1999.

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United States District Judge